



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/807,232	02/28/97	LE	M 002410.P017

LM02/0226
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EXAMINER	
HUBER, P	
ART UNIT	PAPER NUMBER
2753	

DATE MAILED: 02/26/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/807,232

Applicant(s)
Van Le et al.

Examiner
Huber, Paul W.

Group Art Unit
2753



☒ Responsive to communication(s) filed on Nov 30, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-24 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Pederson (USP-5,523,902).

Pederson discloses a hard disk drive including a disk, wherein the disk has a plurality of tracks each having a first burst A and a second burst B as claimed (see figure 5). Each track, e.g., "Data Track 55," includes at least one group of sectors (N, N + 1, N + 2), each sector within the group includes bursts "A," "B," "C," and/or "D" which each correspond to a portion of track position information. The plurality of portions of track position information in the corresponding plurality of sectors within the group are combined to provide a track "offset from centerline" position of a corresponding track.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Baum et al. (USP-5,600,506).

Baum et al. discloses a hard disk drive including a disk, wherein the disk has a plurality of tracks each having a first burst A and a second burst B as claimed (see figure 3). Each track, e.g.,

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"Track 1," includes at least one group of sectors, each sector within the group includes bursts "A," "B," "C," and/or "D" which each correspond to a portion of track position information. The plurality of portions of track position information in the corresponding plurality of sectors within the group are combined to provide a track "offset from centerline" position of a corresponding track.

Applicant's arguments filed November 30, 1998 have been fully considered but they are not persuasive. Regarding Pederson, the applicant argues that Pederson fails to teach a "combination of portions of track position information, when read by a head, provide a track position of a corresponding track." The examiner respectfully disagrees. As described in the rejection above, Pederson discloses a data head scanning a track which encounters servo bursts (claimed "portions of track position information") in each sector N , $N + 1$, and $N + 2$ (claimed "group of sectors") along the track. Position signals from the servo bursts are detected and combined by the data head to position the data head upon the centerline of the track.

Regarding Baum, the applicant argues that Baum fails to teach that "each sector includes a burst in a servo field corresponding to a portion of track position information." The examiner respectfully disagrees, because as described in the rejection above: "[e]ach track, e.g., "Track 1," includes at least one group of sectors, each sector within the group includes bursts "A," "B," "C," and/or "D" which each correspond to a portion of track position information."

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In general, the applicant argues that certain features of applicant's invention are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Since the claims as read and interpreted by the examiner are exceedingly broad, the claims read upon the references as applied in the rejections above and, therefore, all rejections are deemed correct and are maintained.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

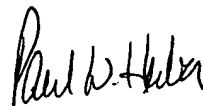
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication should be directed to Paul W. Huber at
telephone number (703) 308-1549.


PAUL W. HUBER
PRIMARY EXAMINER

pwh
February 24, 1999